



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10/elec.

Pre Application

PATENT APPLICATION

Inventor(s): Ned S. Rasor, et al.

SC/Serial No.: 09/614,389

Filed: 7/12/2000

Title: METHODS AND APPARATUS
FOR RELIEVING HEADACHES,
RHINITIS AND OTHER
COMMON AILMENTS

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Jill L. Robinson, Reg. No. 34,911
Signature Date: September 16, 2002

(Attorney Signature)

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Response is made to the Office action mailed 8/14/2002 in the above-referenced application. A shortened period for reply was set to expire 1 month from the date of mailing. Applicants note that August 14, 2002 is a Saturday; therefore, this response is timely filed on Monday, August 16, 2002.

The Examiner has stated that the Response filed May 6, 2002 was not fully responsive in that it failed to list all claims corresponding to elected Species A.

As stated in the previous Response, Applicants have elected Group I and Species A, and respectfully traverse the restriction requirement.

Applicants list the following claims, including those added in the Preliminary Amendment, as readable on the elected Group I, Species A:

1, 3 - 12, 14 - 18, 20 - 22, 24 - 27, 61 - 63; 65 - 72; 74 - 76, 92, and 102 - 103.

The Examiner will note that claim 19 would also read on species A, but was cancelled by the preliminary amendment.

Claims 16 - 18 and 20, 24 - 27 are generic in that these claims contemplate a method of generating

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a therapeutic dosage of gas without limitation as to the targeted area (e.g., oral/nasal or ocular).

Applicants also respectfully note an error in the original election in that Claim 27 should be included as a method claim under Group I, and respectfully request that the original election be amended accordingly to include Claim 27.

Respectfully submitted,

Date: September 16, 2002

By: 

Jill L. Robinson
Reg. No. 34,911

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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|---|-----------------------------|-------------------------------|-----------|
| Application Number | 09/614,389 | | |
| | Filing Date | 07/12/2000 | |
| | First Named Inventor | Rasor | |
| | Group Art Unit | 3761 | |
| | Examiner Name | Weiss | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | CAPR 1010 |

ENCLOSURES (check all that apply)

| | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|------------------|
| Firm or Individual name | Jill L. Robinson |
| Signature | |
| Date | 09/16/2002 |

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| Typed or printed name | Jill L. Robinson | | |
| Signature | | Date | 09/16/2002 |

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